

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

**IN RE:** \* **CIVIL ACTION NO.**  
\* **4:09-CV-00130-WTM**  
**TROY ANTHONY DAVIS,** \*  
\*  
**Petitioner.** \*  
\*

**NOTICE OF FILING**

COMES NOW Respondent in the above-styled application for federal habeas corpus relief and pursuant to Rule 5 of the Rules Governing Section 2254 Proceedings, files this his Notice of Filing of the following documents to be utilized by this Court in considering Petitioner's application for federal habeas corpus relief:

**Respondent's Exhibit No. 1** - Record on direct appeal in the Georgia Supreme Court (pages 1-527);

**Respondent's Exhibit No. 2** - Record on direct appeal in the Georgia Supreme Court (pages 528-1000);

**Respondent's Exhibit No. 3** - Record on direct appeal in the Georgia Supreme Court (pages 1001-1500);

**Respondent's Exhibit No. 4** - Record on direct appeal in the Georgia Supreme Court (pages 1501-2000);

**Respondent's Exhibit No. 5** - Record on direct appeal in the Georgia Supreme Court (pages 2001-2500);

**Respondent's Exhibit No. 6** - Record on direct appeal in the Georgia Supreme Court (pages 2501-2835);

**Respondent's Exhibit No. 7** - Transcript of a preliminary hearing conducted in the Recorder's Court of Chatham County, Georgia on September 8, 1989, Volume One of Two (pages 1-94);

**Respondent's Exhibit No. 8** - Transcript of a preliminary hearing conducted in the Recorder's Court of Chatham County, Georgia on September 8, 1989, Volume Two of Two (pages 95-186);

**Respondent's Exhibit No. 9** - Transcript of the Initial Hearing conducted in the Superior Court of Chatham County, Georgia on January 16, 1990 (pages 1-18);

**Respondent's Exhibit No. 10** - Transcript of a Pretrial and Arraignment Hearing conducted in the Superior Court of Chatham County, Georgia on April 30, 1990 (pages 1-29);

**Respondent's Exhibit No. 11** - Transcript of a pretrial conference conducted in the Superior Court of Chatham County, Georgia on June 4, 1990 (pages 1-28);

**Respondent's Exhibit No. 12** - Transcript of a pretrial hearing conducted in the Superior Court of Chatham County, Georgia on July 9, 1990 (pages 1-6);

**Respondent's Exhibit No. 13** - Transcript of a pretrial conference conducted in the Superior Court of Chatham County, Georgia on October 10, 1990 (pages 1-53);

**Respondent's Exhibit No. 14** - Transcript of a pretrial conference conducted in the Superior Court of Chatham County, Georgia on October 12, 1990 (pages 1-83);

**Respondent's Exhibit No. 15** - Transcript of a pretrial conference conducted in the Superior Court of Chatham County, Georgia on November 8, 1990 (pages 1-7);

**Respondent's Exhibit No. 16** - Transcript of a pretrial hearing conducted in the Superior Court of Chatham County, Georgia on November 14, 1990 (pages 1-10);

**Respondent's Exhibit No. 17** - Brief of Appellant by the District Attorney on interim appeal to the Georgia Supreme Court, Case No. S91A0242, dated December 10, 1990 (16 pages);

**Respondent's Exhibit No. 18** - Brief of Appellee on interim appeal to the Georgia Supreme Court, Case No. S91A0242, dated December 28, 1990 (14 pages);

**Respondent's Exhibit No. 19** - Supplemental Brief of Appellant by the District Attorney on interim appeal to the Georgia Supreme Court, Case No. S91A0242, dated February 7, 1991 (8 pages);

**Respondent's Exhibit No. 20** - Decision of the Georgia Supreme Court on interim appeal affirming the trial court's ruling granting the defense motion to suppress, dated May 10, 1991 (2 pages);

**Respondent's Exhibit No. 21** - Transcript of a pretrial conference conducted in the Superior Court of Chatham County, Georgia on May 31, 1991 (pages 1-58);

**Respondent's Exhibit No. 22** - Transcript of a pretrial hearing conducted in the Superior Court of Chatham County, Georgia on July 19, 1991 (pages 1-9);

**Respondent's Exhibit No. 23** - Transcript of the trial proceedings conducted in the Superior Court of Chatham County, Georgia on August 19-28, 1991, Volume 1 of 6 (pages 1-200);

**Respondent's Exhibit No. 24** - Transcript of the trial proceedings conducted in the Superior Court of Chatham County, Georgia on August 19-28, 1991, Volume 2 of 6 (pages 201-600);

**Respondent's Exhibit No. 25** - Transcript of the trial proceedings conducted in the Superior Court of Chatham County, Georgia on August 19-28, 1991, Volume 3 of 6 (601-800);

**Respondent's Exhibit No. 26** - Transcript of the trial proceedings conducted in the Superior Court of Chatham County, Georgia on August 19-28, 1991, Volume 4 of 6 (pages 801-1100);

**Respondent's Exhibit No. 27** - Transcript of the trial proceedings conducted in the Superior Court of Chatham County, Georgia on August 19-28, 1991, Volume 5 of 6 (pages 1101-1500);

**Respondent's Exhibit No. 28** - Transcript of the trial proceedings conducted in the Superior Court of Chatham County, Georgia on August 19-28, 1991, Volume 6 of 6 (pages 1501-1611);

**Respondent's Exhibit No. 29** - Transcript of the sentencing phase of the trial proceedings conducted in the Superior Court of Chatham County, Georgia on August 29-30 and September 3, 1991 (pages 1-99);

**Respondent's Exhibit No. 30** - Trial Exhibits Volume (pages 1-201);

**Respondent's Exhibit No. 31** - Transcript of the motion for new trial hearing conducted in the Superior Court of Chatham County, Georgia on February 18, 1992 (pages 1-43);

**Respondent's Exhibit No. 32** - Brief of Appellant and Enumeration of Errors by Jackson Burch on direct appeal to the Georgia Supreme Court, Case No. S92P1186, dated August 10, 1992 (44 pages);

**Respondent's Exhibit No. 33** - Brief of Appellant and Enumeration of Errors by Robert E. Falligant, Jr. and Robert E. Barker on direct appeal to the Georgia Supreme Court, Case No. S92P1187, dated August 10, 1992 (44 pages);

**Respondent's Exhibit No. 34** - Amendment to Appellant's brief by Jackson Burch on direct appeal to the Georgia Supreme Court, Case No. S92P1186, dated August 21, 1992 (3 pages);

**Respondent's Exhibit No. 35** - Brief of Appellee by the District Attorney on direct appeal to the Georgia Supreme Court, Case Nos. S92P1186 and S92P1187, dated September 14, 1992 (67 pages);

**Respondent's Exhibit No. 36** - Brief on behalf of the Appellee by the Attorney General on direct appeal to the Georgia Supreme Court, Case No. S92P1187, dated September 15, 1992 (64 pages);

**Respondent's Exhibit No. 37** - Brief on behalf of the Appellee by the Attorney General on direct appeal to the Georgia Supreme Court, Case No. S92P1186, dated September 17, 1992 (18 pages);

**Respondent's Exhibit No. 38** - Decision of the Georgia Supreme Court affirming Appellant's conviction and death sentence, dated February 26, 1993 (8 pages);

**Respondent's Exhibit No. 39** - Appellant's Motion for Rehearing by Jackson Burch on direct appeal to the Georgia Supreme Court, Case Nos. S92P1186 and S92P1187, dated March 11, 1993 (18 pages);

**Respondent's Exhibit No. 40** - Appellant's Motion for Reconsideration by Robert E. Falligant, Jr. and Robert E. Barker on direct appeal to the Georgia Supreme Court, Case Nos. S92P1186 and S92P1187, dated March 12, 1993 (17 pages);

**Respondent's Exhibit No. 41** - Order of the Georgia Supreme Court denying motion for reconsideration, dated March 23, 1993 (1 page);

**Respondent's Exhibit No. 42** - Petition for Writ of Certiorari to the Supreme Court of Georgia in the Supreme Court of the United States, dated August 20, 1993 (28 pages);

**Respondent's Exhibit No. 43** - Brief in Opposition on Behalf of the Respondent in the Supreme Court of the United States, dated September 29, 1993 (14 pages);

**Respondent's Exhibit No. 44** - Order of the Supreme Court of the United States denying Petition for Writ of Certiorari, dated November 1, 1993 (1 page);

**Respondent's Exhibit No. 45** - Petition for Rehearing of Denial of Petition for Writ of Certiorari in the Supreme Court of the United States, dated November 24, 1993 (10 pages);

**Respondent's Exhibit No. 46** - Order of the Supreme Court of the United States denying Petition for Rehearing, dated January 10, 1994 (1 page);

**Respondent's Exhibit No. 47** - Application for Writ of Habeas Corpus and Petition for Writ of Habeas Corpus filed in the Superior Court of Butts County, Georgia, dated March 15, 1994 (25 pages);

**Respondent's Exhibit No. 48** - Return and Answer by Respondent filed in the Superior Court of Butts County, Georgia, dated April 8, 1994 (7 pages);

**Respondent's Exhibit No. 49** - Transcript of a motions hearing conducted in the Superior Court of Butts County, Georgia, dated July 20, 1995 (pages 1-13);

**Respondent's Exhibit No. 50** - Petitioner's Notice of Withdrawal of Named Counsel and Motion to Continue, or Alternatively, Motion to Withdraw filed in the Superior Court of Butts County, Georgia, dated August 24, 1995 (15 pages);

**Respondent's Exhibit No. 51** - Respondent's Response to Notice of Withdrawal of Named Counsel and Motion to Continue, or Alternatively, Motion to Withdraw filed in the Superior Court of Butts County, Georgia, dated October 11, 1995 (5 pages);

**Respondent's Exhibit No. 52** - Petitioner's Motion to Continue filed in the Superior Court of Butts County, Georgia, dated October 13, 1995 (8 pages);

**Respondent's Exhibit No. 53** - Order granting Petitioner's motion to withdraw as counsel and denying Petitioner's motion to continue filed in the Superior Court of Butts County, Georgia, dated October 19, 1995 (3 pages);

**Respondent's Exhibit No. 54** - Petitioner's Motion for Certificate of Immediate Review and to Hold Proceedings in

Abeyance Pending Petition for Immediate Review filed in the Superior Court of Butts County, Georgia, dated October 23, 1995 (11 pages);

**Respondent's Exhibit No. 55** - Order granting Motion for Certificate of Immediate Review and to Hold Proceedings in Abeyance Pending Petition for Immediate Review filed in the Superior Court of Butts County, Georgia, dated October 31, 1995 (1 page);

**Respondent's Exhibit No. 56** - Brief of Appellant on petition for immediate review to the Georgia Supreme Court, Case No. S96A0538, dated November 13, 1995 (21 pages plus appendix);

**Respondent's Exhibit No. 57** - Response to Petition for Immediate Review on behalf of Respondent filed in the Georgia Supreme Court, Case No. S96I0269, dated November 22, 1995 (12 pages);

**Respondent's Exhibit No. 58** - Petitioner's Notice of Appeal filed in the Superior Court of Butts County, Georgia, dated December 21, 1995 (3 pages);

**Respondent's Exhibit No. 59** - Petitioner's Brief in Support of Petition for Immediate Review filed in the Georgia Supreme Court, Case No. S96A0538, dated January 31, 1996 (27 pages);

**Respondent's Exhibit No. 60** - Brief on Behalf of Appellee on Interlocutory Appeal filed in the Georgia Supreme Court, Case No. S96A0548, dated February 21, 1996 (30 pages);

**Respondent's Exhibit No. 61** - Supplemental Brief on behalf of Appellee on Interlocutory Appeal filed in the Georgia Supreme Court, Case No. S96A0548, dated April 29, 1996 (4 pages);

**Respondent's Exhibit No. 62** - Supplemental Brief of Appellant filed in the Georgia Supreme Court, Case No. S96A0548, dated May 9, 1996 (25 pages);

**Respondent's Exhibit No. 63** - Decision of the Georgia Supreme Court reversing the state habeas corpus court's order denying Petitioner's motion for continuance, dated May 28, 1996 (9 pages);

**Respondent's Exhibit No. 64** - Appellee's Motion for Reconsideration filed in the Georgia Supreme Court, Case No. S96I0269, dated June 7, 1996 (8 pages);

**Respondent's Exhibit No. 65** - Order of the Georgia Supreme Court denying motion for reconsideration, dated June 28, 1996 (1 page);

**Respondent's Exhibit No. 66** - Amended Petition for Writ of Habeas Corpus filed in the Superior Court of Butts County, Georgia, dated November 6, 1996 (79 pages);

**Respondent's Exhibit No. 67** - Answer/Response to Amended Petition for Writ of Habeas Corpus filed in the Superior Court of Butts County, Georgia, dated November 20, 1996 (10 pages);

**Respondent's Exhibit No. 68** - Transcript of the State Habeas Corpus evidentiary hearing in the Superior Court of Butts County, Georgia, on December 16, 1996, Volume 1 of 4 (pages 1-133);

**Respondent's Exhibit No. 69** - Transcript of the State Habeas Corpus evidentiary hearing in the Superior Court of Butts County, Georgia, on December 16, 1996, Volume 2 of 4 (pages 134-276);

**Respondent's Exhibit No. 70** - Transcript of the State Habeas Corpus evidentiary hearing in the Superior Court of Butts County, Georgia, on December 16, 1996, Volume 3 of 4 (pages 277-534);

**Respondent's Exhibit No. 71** - Transcript of the State Habeas Corpus evidentiary hearing in the Superior Court of Butts County, Georgia, on December 16, 1996, Volume 4 of 4 (pages 535-841);

**Respondent's Exhibit No. 72** - Respondent's Motion to Strike Petitioner's Claims of Ineffective Assistance of Counsel or Alternatively, Motion to Compel filed in the Superior Court of Butts County, Georgia, dated December 23, 1996 (11 pages);

**Respondent's Exhibit No. 73** - Brief in Support of Respondent's Motion to Strike Petitioner's Claims of Ineffective Assistance of Counsel or Alternatively, Motion to Compel filed in the Superior Court of Butts County, Georgia, dated December 23, 1996 (33 pages);

**Respondent's Exhibit No. 74** - Petitioner's Response to Motion to Strike Petitioner's Claims of Ineffective Assistance of Counsel or Alternatively, Motion to Compel filed in the Superior Court of Butts County, Georgia, dated December 30, 1996 (14 pages);

**Respondent's Exhibit No. 75** - Order directing Petitioner to provide Respondent access to trial and appellate counsel files or submit in writing a voluntary withdrawal of all allegations of ineffective assistance of counsel filed in the Superior Court of Butts County, Georgia, dated January 9, 1997 (3 pages);

**Respondent's Exhibit No. 76** - Petitioner's Post Hearing Brief filed in the Superior Court of Butts County, Georgia, dated April 17, 1997 (134 pages);

**Respondent's Exhibit No. 77** - Respondent's Post Hearing Brief filed in the Superior Court of Butts County, Georgia, dated May of 1997 (128 pages);

**Respondent's Exhibit No. 78** - Order denying Petition for Writ of Habeas Corpus filed in the Superior Court of Butts County, Georgia, dated September 5, 1997 (44 pages);

**Respondent's Exhibit No. 79** - Notice of Appeal filed in the Superior Court of Butts County, Georgia, dated September 25, 1997 (3 pages);

**Respondent's Exhibit No. 80** - Application for Certificate of Probable Cause to Appeal filed in the Georgia Supreme Court, Case No. S98R0480, dated December 11, 1997 (170 pages);

**Respondent's Exhibit No. 81** - Response to Application for Certificate of Probable Cause to Appeal filed in the Georgia Supreme Court, Case No. S98R0480, dated January 2, 1998 (121 pages);

**Respondent's Exhibit No. 82** - Order of the Georgia Supreme Court granting the application for certificate of probable cause to appeal, Case No. S98R0480, dated February 24, 2000 (2 pages);

**Respondent's Exhibit No. 83** - Corrected Brief of Appellant filed in the Georgia Supreme Court, Case No. S00A0993, dated April 28, 2000 (109 pages);

**Respondent's Exhibit No. 84** - Motion to Dismiss as Improvidently Granted Appellant's Application for a Certificate of Probable Cause to Appeal as to Questions 1, 2, and 4 filed in

the Georgia Supreme Court, Case No. S00A0993, dated May 1, 2000 (13 pages);

**Respondent's Exhibit No. 85** - Brief on behalf of the Appellee by the Attorney General filed in the Georgia Supreme Court, Case No. S00A0993, dated June 23, 2000 (133 pages);

**Respondent's Exhibit No. 86** - Corrected Supplemental Brief in Response to Motion to Dismiss as Improvidently Granted Appellant's Application for a Certificate of Probable Cause to Appeal as to Questions 1, 2, and 4 filed in the Georgia Supreme Court, Case No. S00A0993, dated September 29, 2000 (27 pages);

**Respondent's Exhibit No. 87** - Supplemental Brief on behalf of the Appellee by the Attorney General filed in the Georgia Supreme Court, Case No. S00A0993, dated October 18, 2000 (8 pages);

**Respondent's Exhibit No. 88** - Decision of the Georgia Supreme Court affirming the state habeas corpus court's denial of relief, dated November 13, 2000 (10 pages);

**Respondent's Exhibit No. 89** - Motion for Reconsideration of Denial of Appellant's Appeal as to Questions 1, 3, and 4 filed in the Georgia Supreme Court, Case No. S00A0993, dated November 27, 2000 (31 pages plus attachments);

**Respondent's Exhibit No. 90** - Order of the Georgia Supreme Court denying motion for reconsideration, dated December 15, 2000 (1 page);

**Respondent's Exhibit No. 91** - Petition for Writ of Certiorari to the Supreme Court of Georgia in the Supreme Court of the United States, Case No. 00-10082, dated May 14, 2001 (60 pages);

**Respondent's Exhibit No. 92** - Response in Opposition on behalf of Respondent in the Supreme Court of the Untied States, Case NO. 00-10082, dated July 16, 2001 (26 pages);

**Respondent's Exhibit No. 93** - Order of the Supreme Court of the United States denying the Petition for Writ of Certiorari, dated October 1, 2001 (1 page);

**Respondent's Exhibit No. 94** - Petition for Writ of Habeas Corpus filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated December 14, 2001 (98 pages);

**Respondent's Exhibit No. 95** - Respondent's Notice of filing filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated February 7, 2002 (17 pages);

**Respondent's Exhibit No. 96** - Answer-Response on Behalf of Respondent to Initial Petition for Writ of Habeas Corpus filed

in the United States District Court for the Southern District of Georgia, Savannah Division, dated February 7, 2002 (68 pages);

**Respondent's Exhibit No. 97** - Petitioner's Reply to the State's Answer-Response and Memorandum of Law on Procedural Default filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated April 24, 2002 (32 pages plus attachments);

**Respondent's Exhibit No. 98** - Respondent's Memorandum of Law Concerning Procedural Default filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated May 24, 2002 (47 pages);

**Respondent's Exhibit No. 99** - Motion for Leave to Conduct Discovery and Authorization and Payment of Necessary Expert and Investigative Services filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated July 31, 2002 (3 pages);

**Respondent's Exhibit No. 100** - Memorandum of Law in Support of Motion for Leave to Conduct Discovery and Authorization and Payment of Necessary Expert and Investigative Services filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated July 31, 2002 (31 pages plus attachments);

**Respondent's Exhibit No. 101** - Response on Behalf of Respondent to Motion for Leave and Memorandum in Support of Motion for Leave to Conduct Discovery and Authorization and Payment of Necessary Expert and Investigative Services filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated August 15, 2002 (32 pages);

**Respondent's Exhibit No. 102** - Order denying Petitioner's motion for discovery and investigative services and reserving ruling on Petitioner's motion for expert services filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated September 19, 2002 (13 pages);

**Respondent's Exhibit No. 103** - Motion for Reconsideration for Leave to Conduct Discovery and Authorization and Payment of Necessary Expert and Investigative Services filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated October 17, 2002 (5 pages);

**Respondent's Exhibit No. 104** - Response in Opposition to Petitioner's Motion for Reconsideration of Order Denying Petitioner's Motion for Leave to Conduct Discovery and Authorization and Payment of Necessary Expert and Investigative Services filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated November 12, 2002 (6 pages);

**Respondent's Exhibit No. 105** - Order denying motion for reconsideration filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated November 14, 2002 (8 pages);

**Respondent's Exhibit No. 106** - Motion for Evidentiary Hearing and Memorandum in Support filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated December 16, 2002 (100 pages plus attachments);

**Respondent's Exhibit No. 107** - Response on Behalf of Respondent in Opposition to Petitioner's Motion for Evidentiary Hearing and Memorandum in Support filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated January 21, 2003 (40 pages);

**Respondent's Exhibit No. 108** - Petitioner's Reply to Respondent's Memorandum of Law on Procedural Default filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated January 22, 2003 (11 pages);

**Respondent's Exhibit No. 109** - Reply to Response in Opposition to Motion for Evidentiary Hearing filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated January 30, 2003 (12 pages);

**Respondent's Exhibit No. 110** - Request for Oral Argument Regarding Petitioner's Motion for Evidentiary Hearing filed in

the United States District Court for the Southern District of Georgia, Savannah Division, dated February 19, 2003 (24 pages);

**Respondent's Exhibit No. 111** - Response to Petitioner's Request for Oral Argument Regarding Petitioner's Motion for Evidentiary Hearing filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated February 26, 2003 (5 pages);

**Respondent's Exhibit No. 112** - Order denying Petitioner's motion for evidentiary hearing, request for oral argument and motion for expert assistance filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated March 10, 2003 (44 pages);

**Respondent's Exhibit No. 113** - Order noting that Petitioner's final merits brief was overdue and that the Court would rule on the petition absent the submission of final merits briefs filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated May 6, 2003 (1 page);

**Respondent's Exhibit No. 114** - Order holding that the Court would rule on the petition absent the submission of final merits brief and noting that Petitioner failed to file a final merits brief despite the fact that he was afforded additional time to submit a brief filed in the United States District Court for the

Southern District of Georgia, Savannah Division, dated August 15, 2003 (2 pages);

**Respondent's Exhibit No. 115** - Consolidated Motion to Hold Proceedings in Abeyance Pending Resolution of Further State Court Proceedings or Renewed Motion for Evidentiary Hearing and Memorandum of Law in Support filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated September 19, 2003 (39 pages);

**Respondent's Exhibit No. 116** - Response on Behalf of Respondent in Opposition to Petitioner's Consolidated Motion to Hold Proceedings in Abeyance Pending Resolution of Further State Court Proceedings or Renewed Motion for Evidentiary Hearing filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated October 7, 2003 (17 pages);

**Respondent's Exhibit No. 117** - Order denying Petitioner's motion to hold proceedings in abeyance and renewed motion for evidentiary hearing filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated April 14, 2004 (3 pages);

**Respondent's Exhibit No. 118** - Order denying federal habeas corpus relief filed in the United States District Court for the

Southern District of Georgia, Savannah Division, dated May 13, 2004 (65 pages);

**Respondent's Exhibit No. 119** - Motion Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to Alter and Amend Judgment filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated May 27, 2004 (20 pages);

**Respondent's Exhibit No. 120** - Order denying Petitioner's motion to alter and amend judgment filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated June 3, 2004 (2 pages);

**Respondent's Exhibit No. 121** - Response on Behalf of Respondent in Opposition to Petitioner's Motion Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to Alter and Amend Judgment filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated June 4, 2004 (9 pages);

**Respondent's Exhibit No. 122** - Notice of Appeal filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated July 2, 2004 (3 pages);

**Respondent's Exhibit No. 123** - Application for Certificate of Appealability filed in the United States District Court for

the Southern District of Georgia, Savannah Division, dated July 2, 2004 (37 pages);

**Respondent's Exhibit No. 124** - Order denying application for certificate of appealability filed in the United States District Court for the Southern District of Georgia, Savannah Division, dated July 20, 2004 (3 pages);

**Respondent's Exhibit No. 125** - Application for Certificate of Appealability filed in the United States Court of Appeals for the Eleventh Circuit, dated August 12, 2004 (59 pages);

**Respondent's Exhibit No. 126** - Order granting application for certificate of appealability filed in the United States Court of Appeals for the Eleventh Circuit, dated September 15, 2004 (1 page);

**Respondent's Exhibit No. 127** - Brief of Petitioner-Appellant Troy Anthony Davis filed in the United States Court of Appeals for the Eleventh Circuit, dated January 10, 2005 (72 pages plus appendix);

**Respondent's Exhibit No. 128** - Record Excerpts filed in the United States Court of Appeals for the Eleventh Circuit, Volume 1 of 2, dated January 10, 2005;

**Respondent's Exhibit No. 129** - Record Excerpts filed in the United States Court of Appeals for the Eleventh Circuit, Volume 2 of 2, dated January 10, 2005;

**Respondent's Exhibit No. 130** - Brief on Behalf of the Appellee filed in the United States Court of Appeals for the Eleventh Circuit, dated February 14, 2005 (68 pages);

**Respondent's Exhibit No. 131** - Decision of the Eleventh Circuit Court of Appeals affirming the district court's denial of habeas relief, dated September 26, 2006 (9 pages);

**Respondent's Exhibit No. 132** - Petitioner/Appellant's Petition for Rehearing En Banc filed in the United States Court of Appeals for the Eleventh Circuit, dated October 17, 2006 (22 pages plus attachments);

**Respondent's Exhibit No. 133** - Order denying Petitioner/Appellant's Petition for Rehearing En Banc filed in the United States Court of Appeals for the Eleventh Circuit, dated December 13, 2006 (1 page);

**Respondent's Exhibit No. 134** - Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit in the Supreme Court of the United States, dated April 11, 2007 (30 pages plus attachments);

**Respondent's Exhibit No. 135** - Supplemental Appendix filed in the Supreme Court of the United States, dated April 19, 2007 (66 pages);

**Respondent's Exhibit No. 136** - Brief in Opposition on Behalf of Respondent filed in the Supreme Court of the United States, dated May 23, 2007 (34 pages);

**Respondent's Exhibit No. 137** - Reply to Brief in Opposition filed in the Supreme Court of the United States, dated June 4, 2007 (6 pages plus attachments);

**Respondent's Exhibit No. 138** - Order of the Supreme Court of the United States denying Petition for Writ of Certiorari, dated June 25, 2007 (1 page);

**Respondent's Exhibit No. 139** - Execution order filed in the Superior Court of Chatham County, Georgia on June 29, 2007 (3 pages);

**Respondent's Exhibit No. 140** - Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 9, 2007 (8 pages);

**Respondent's Exhibit No. 141** - Extraordinary Motion for New Trial Pursuant to O.C.G.A. § 5-5-41(c) filed in the Superior Court of Chatham County, Georgia on July 9, 2007 (40 pages plus appendix);

**Respondent's Exhibit No. 142** - State's Motion to Dismiss Extraordinary Motion for New Trial and to Deny Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 10, 2007 (6 pages plus attachments);

**Respondent's Exhibit No. 143** - Defendant's Reply to State's Motion to Dismiss Motion for New Trial and to Deny Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 11, 2007 (12 pages);

**Respondent's Exhibit No. 144** - Supplement to State's Motion to Dismiss Extraordinary Motion for New Trial and to Deny Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 12, 2007 (21 pages);

**Respondent's Exhibit No. 145** - Defendant's Reply to State's Supplement to Motion to Dismiss Extraordinary Motion for New Trial and to Deny Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 12, 2007 (19 pages);

**Respondent's Exhibit No. 146** - Defendant's Supplemental Reply to State's Supplement to Motion to Dismiss Extraordinary Motion for New Trial and to Deny Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 13, 2007 (11 pages);

**Respondent's Exhibit No. 147** - Second Supplement to State's Motion to Dismiss Extraordinary Motion for New Trial and to Deny Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 13, 2007 (12 pages);

**Respondent's Exhibit No. 148** - Letter from Petitioner to Judge Penny Haas Freesemann enclosing juror affidavit, dated July 13, 2007 (3 pages);

**Respondent's Exhibit No. 149** - Defendant's Supplemental Brief in Support of His Extraordinary Motion for New Trial and Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 13, 2007 (5 pages);

**Respondent's Exhibit No. 150** - Third Supplement to State's Motion to Dismiss Extraordinary Motion for New Trial and to Deny Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 13, 2007 (4 pages);

**Respondent's Exhibit No. 151** - Order denying Defendant's Extraordinary Motion for New Trial and Motion for Stay of Execution filed in the Superior Court of Chatham County, Georgia on July 13, 2007 (6 pages);

**Respondent's Exhibit No. 152** - Record on appeal from extraordinary motion for new trial (pages 1-559);

**Respondent's Exhibit No. 153** - Motion for Stay of Execution filed in the Georgia Supreme Court on July 16, 2007 (4 pages);

**Respondent's Exhibit No. 154** - Application to Appeal filed in the Georgia Supreme Court on July 16, 2007 (31 pages);

**Respondent's Exhibit No. 155** - State's Response in Opposition to Defendant's Motion for a Stay of Execution and

Application for Appeal filed in the Georgia Supreme Court on July 16, 2007 (9 pages);

**Respondent's Exhibit No. 156** - Supplemental Response in Opposition to Applicant/Defendant's Motion for a Stay of Execution and Application for Appeal filed in the Georgia Supreme Court on July 16, 2007 (25 pages);

**Respondent's Exhibit No. 157** - Order of the State Board of Pardons and Paroles suspending the execution of the sentence of death for ninety days, dated July 16, 2007 (1 page);

**Respondent's Exhibit No. 158** - Petition for Rehearing filed in the Supreme Court of the United States on July 20, 2007 (8 pages);

**Respondent's Exhibit No. 159** - Motion to Dismiss Direct Appeal filed in the Georgia Supreme Court on July 20, 2007 (4 pages);

**Respondent's Exhibit No. 160** - Order of the Georgia Supreme Court granting application for discretionary appeal, dated August 3, 2007 (4 pages);

**Respondent's Exhibit No. 161** - Order of the State Board of Pardons and Paroles suspending consideration of clemency petition until the Georgia Supreme Court reaches a decision regarding the discretionary appeal, dated August 6, 2007 (1 page);

**Respondent's Exhibit No. 162** - State's Motion to Expedite Oral Argument filed in the Georgia Supreme Court on August 13, 2007 (5 pages);

**Respondent's Exhibit No. 163** - Response to State's Motion to Expedite Oral Argument filed in the Georgia Supreme Court on August 14, 2007 (3 pages);

**Respondent's Exhibit No. 164** - Order of the Georgia Supreme Court denying Motion to Expedite Oral Argument, dated August 21, 2007 (1 page);

**Respondent's Exhibit No. 165** - Brief of Appellant filed in the Georgia Supreme Court on August 23, 2007 (56 pages);

**Respondent's Exhibit No. 166** - Brief of Appellee filed in the Georgia Supreme Court on September 12, 2007 (53 pages);

**Respondent's Exhibit No. 167** - Order of the Supreme Court of the United States denying petition for rehearing, dated October 1, 2007 (1 page);

**Respondent's Exhibit No. 168** - Decision of the Georgia Supreme Court affirming the trial court's denial of defendant's extraordinary motion for new trial, dated March 17, 2008 (13 pages);

**Respondent's Exhibit No. 169** - Motion for Reconsideration filed in the Georgia Supreme Court on March 27, 2008 (30 pages);

**Respondent's Exhibit No. 170** - Order of the Georgia Supreme Court denying motion for reconsideration, dated April 14, 2008 (1 page);

**Respondent's Exhibit No. 171** - Petition for a Writ of Certiorari to the Supreme Court of Georgia in the Supreme Court of the United States, dated July 14, 2008 (40 pages plus appendix);

**Respondent's Exhibit No. 172** - Brief in Opposition on Behalf of Respondent filed in the Supreme Court of the United States on August 14, 2008 (47 pages);

**Respondent's Exhibit No. 173** - Execution order filed in the Superior Court of Chatham County, Georgia on September 3, 2008 (3 pages);

**Respondent's Exhibit No. 174** - Reply to Brief in Opposition filed in the Supreme Court of the United States on September 9, 2008 (15 pages);

**Respondent's Exhibit No. 175** - Denial of Commutation and Stay of Sentence of Death by the State Board of Pardons and Paroles, dated September 12, 2008 (1 page);

**Respondent's Exhibit No. 176** - Motion for Stay of Execution filed in the Georgia Supreme Court, dated September 15, 2008 (7 pages);

**Respondent's Exhibit No. 177** - State's Response in Opposition to Motion for Stay of Execution filed in the Georgia Supreme Court, dated September 16, 2008 (5 pages);

**Respondent's Exhibit No. 178** - Motion for Stay of Execution Pending Petition for Writ of Certiorari to the Supreme Court of the United States, dated September 16, 2008 (8 pages);

**Respondent's Exhibit No. 179** - Response in Opposition to Motion to Stay Execution filed in the Supreme Court of the United States, dated September 17, 2008 (5 pages);

**Respondent's Exhibit No. 180** - Reply to State of Georgia's Opposition to Petitioner's Motion for Stay of Execution Pending Petition for Writ of Certiorari to the Supreme Court of the United States, dated September 18, 2008 (6 pages);

**Respondent's Exhibit No. 181** - Statement Regarding Troy Davis Case by the State Board of Pardons and Paroles (1 page);

**Respondent's Exhibit No. 182** - Order of the Georgia Supreme Court denying motion for stay of execution, dated September 22, 2008 (1 page);

**Respondent's Exhibit No. 183** - Order of the Supreme Court of the United States granting motion for stay of execution, dated September 23, 2008 (1 page);

**Respondent's Exhibit No. 184** - Order of the Supreme Court of the United States denying petition for a writ of certiorari, dated October 14, 2008 (1 page);

**Respondent's Exhibit No. 185** - Execution order filed in the Superior Court of Chatham County, Georgia on October 15, 2008 (3 pages);

**Respondent's Exhibit No. 186** - Application for Permission to File a Second Petition for Writ of Habeas Corpus in the District Court and Motion for Stay of Execution filed in the United States Court of Appeals for the Eleventh Circuit on October 22, 2008 (19 pages plus attachments);

**Respondent's Exhibit No. 187** - Respondent's Response in Opposition to Petitioner's Motion to Stay Execution and Response in Opposition to Petitioner's Application for Permission to File a Successive Habeas Corpus Petition filed in the United States Court of Appeals for the Eleventh Circuit on October 23, 2008 (41 pages);

**Respondent's Exhibit No. 188** - Order of the Eleventh Circuit Court of Appeals granting a conditional stay of execution and directing both parties to submit briefs, dated October 24, 2008 (4 pages);

**Respondent's Exhibit No. 189** - Brief of Petitioner filed in the United States Court of Appeals for the Eleventh Circuit on November 10, 2008 (39 pages plus appendix);

**Respondent's Exhibit No. 190** - Brief on Behalf of Respondent in Opposition to Petitioner's Application for Permission to File a Successive Habeas Corpus Petition filed in the United States Court of Appeals for the Eleventh Circuit on November 14, 2008 (52 pages);

**Respondent's Exhibit No. 191** - Reply Brief of Petitioner filed in the United States Court of Appeals for the Eleventh Circuit on November 18, 2008 (24 pages);

**Respondent's Exhibit No. 192** - Emergency Motion for Reconsideration of This Court's Scheduling of Oral Argument on the Application for December 9, 2008 filed in the United States Court of Appeals for the Eleventh Circuit on November 20, 2008 (3 pages);

**Respondent's Exhibit No. 193** - Petitioner's Response to Emergency Motion for Reconsideration of This Court's Scheduling of Oral Argument on the Application for December 9, 2008 filed in the United States Court of Appeals for the Eleventh Circuit on November 20, 2008 (3 pages);

**Respondent's Exhibit No. 194** - Order of the Eleventh Circuit Court of Appeals denying Respondent's Emergency Motion

for Reconsideration of This Court's Scheduling of Oral Argument on the Application, dated November 21, 2008 (1 page);

**Respondent's Exhibit No. 195** - Supplemental letter brief by Respondent filed in the United States Court of Appeals for the Eleventh Circuit on December 11, 2008 (2 pages);

**Respondent's Exhibit No. 196** - Supplemental letter brief by Petitioner filed in the United States Court of Appeals for the Eleventh Circuit on December 12, 2008 (4 pages);

**Respondent's Exhibit No. 197** - Decision of the Eleventh Circuit Court of Appeals denying Petitioner's petition seeking leave to file a successive habeas petition, dated April 16, 2009 (22 pages);

**Respondent's Exhibit No. 198** - Petition for a Writ of Habeas Corpus filed in the Supreme Court of the United States on May 19, 2009 (41 pages plus appendices);

**Respondent's Exhibit No. 199** - Brief in Opposition on Behalf of Respondent filed in the Supreme Court of the United States on May 28, 2009 (47 pages);

**Respondent's Exhibit No. 200** - Reply to Brief in Opposition filed in the Supreme Court of the United States on June 8, 2009 (15 pages); and

**Respondent's Exhibit No. 201** - Order of the Supreme Court of the United States transferring the petition for a writ of

habeas corpus to the United States District Court for the Southern District of Georgia for hearing and determination, dated August 17, 2009.

**CONCLUSION**

Wherefore, Respondent respectfully requests that this Court consider these documents in ruling on Petitioner's application for federal habeas corpus relief. If the Court desires additional documents they will be submitted upon request. If counsel for Petitioner identifies any additional documents which have been inadvertently omitted by Respondent, any such document will be submitted upon request.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day electronically filed the within and foregoing Pleading, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

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This 7th day of October, 2009.

s/Susan V. Boleyn  
SUSAN V. BOLEYN  
Special Assistant Attorney General